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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

In Re Bard IVC Filters Products
Liability Litigation

No. MD-15-02641-PHX-DGC

**DECLARATION OF WENDY R.
FLEISHMAN IN SUPPORT OF
MOTION TO EXCLUDE OPINIONS
AND TESTIMONY OF CHRISTOPHER
S. MORRIS, M.D.**

I am a partner in the law firm Lieff Cabraser Heimann & Bernstein, LLP in New York, New York, and I am admitted to practice *pro hac vice* before this Court. I have personal knowledge of the facts set forth herein and could competently testify to them if called upon to do so.

1. Attached hereto as Exhibit 1 is a true and correct copy of the Bard IVC Filter Class Action Expert Report of Christopher S. Morris MD dated March 16, 2017.

2. Attached hereto as Exhibit 2 is a true and correct copy of the Expert Report of Christopher S. Morris, MD dated May 26, 2017 (supplemental Class Action Report).

3. Attached hereto as Exhibit 3 is a true and correct copy of the Bard IVC Filter Multi-District Litigation Expert Report dated April 13, 2017.

4. Attached hereto as Exhibit 4 is a true and correct the Transcript of Deposition of Christopher S. Morris, MD dated July 25, 2017.

1 5. Attached hereto as Exhibit 5 is a true and correct copy of an Internal Bard
2 document beginning with bates number BPVE-01-00294778.

3 6. Attached hereto as Exhibit 6 is a true and correct copy of an Internal Bard
4 emails beginning with bates number BPVE-01-00943311.

5 7. Attached hereto as Exhibit 7 is a true and correct copy of the following
6 article: Tianzhi An, MD, et al., *Prevalence and Clinical Consequences of Fracture and*
7 *Fragment Migration of the Bard G2 Filter: Imaging and Clinical Follow-up in 684*
8 *Implantations*, 25 J. Vasc. Interv. Radiol. 941 (June 2014).

9 8. Attached hereto as Exhibit 8 is a true and correct copy of the following
10 article: Matthew D. Tam, MD, et al., *Fracture and Distant Migration of the Bard*
11 *Recovery Filter: A Retrospective Review of 363 Implantations for Potentially Life-*
12 *Threatening Complications*, 23 J. Vasc. Interv. Radiol. 199 (Feb. 2012).

13 9. Attached hereto as Exhibit 9 is a true and correct copy of the following
14 article: William Nicholson, MD, et al., *Prevalence of Fracture and Fragment*
15 *Embolization of Bard Retrievable Vena Cava Filters and Clinical Implications Including*
16 *Cardiac Perforation and Tamponade*, Arch. Intern. Med. (Aug. 9, 2010).

17 10. Attached hereto as Exhibit 10 is a true and correct copy of the following
18 article: Jeffrey E. Hull, MD, et al., *Bard Recovery Filter: Evaluation and Management of*
19 *Vena Cava Limb Perforation, Fracture, and Migration*, 20 J. Vasc. Interv. Radiol. 52
20 (Jan. 2009).

21 11. Attached hereto as Exhibit 11 is a true and correct copy of Steven E. Deso,
22 MD, et al., *Evidence-Based Evaluation of Inferior Vena Cava Filter Complications Based*
23 *on Filter Type*, 33 Semin. Interv. Radiol. 93 (2016).

24 12. Attached hereto as Exhibit 12 is a true and correct copy of an Internal Bard
25 document beginning with bates number BPV-17-01-00067972.

26 13. Attached hereto as Exhibit 13 is a true and correct copy of an Internal Bard
27 document beginning with bates number BPV-01-01019821.

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1 14. Attached hereto as Exhibit 14 is a true and correct copy of an Internal Bard
2 document beginning with bates number BPVEFILTER-01-00008355

3 15. Attached hereto as Exhibit 15 is a true and correct copy of Internal Bard
4 emails beginning with bates number BPVE-01-00436073.

5 16. Attached hereto as Exhibit 16 is a true and correct copy of Internal Bard
6 document beginning with bates number BPVE-01-00034411.

7 17. Attached hereto as Exhibit 17 is a true and correct copy of the April 2013
8 Bard Denali Vena Cava Filter Femoral Vein Approach Instructions for Use.

9 18. Attached hereto as Exhibit 18 is a true and correct copy of the following
10 article: The Participants in the Vena Caval Filter Consensus Conference, *Recommended*
11 *Reporting Standards for Vena Caval Filter Placement and Patient Follow-Up*, 14 J. Vasc.
12 Interv. Radiol. 427 (2003).

13 19. Attached hereto as Exhibit 19 is a true and correct copy of the following
14 article: Steven F. Millward FRCPC, et al., *Reporting Standards for Inferior Vena Caval*
15 *Filter Placement and Patient Follow-up: Supplement for Temporary and*
16 *Retrievable/Optional Filters*, 16 J. Vasc. Interv. Radiol. 441 (2005).

17 20. Attached hereto as Exhibit 20 is a true and correct copy of the following
18 article: Steven F. Millward FRCPC, et al., *Reporting Standards for Inferior Vena Caval*
19 *Filter Placement and Patient Follow-up: Supplement for Temporary and*
20 *Retrievable/Optional Filters*, 20 J. Vasc. Interv. Radiol. S374 (2009).

21 21. Attached hereto as Exhibit 21 is a true and correct copy of the following
22 article: L. Duffett, MD, *Inferior Vena Cava Filters*, 15 J. Thrombosis & Haemostasis 3
23 (2017).

24 22. Attached hereto as Exhibit 22 is a true and correct copy of the following
25 article: William T. Kuo, MD, et al., *Complex Retrieval of Fractured, Embedded, and*
26 *Penetrating Inferior Vena Cava Filters: A Prospective Study with Histologic and Electron*
27 *Microscopic Analysis*, 24 J. Vasc. Interv. Radiol. 622 (May 2013).

28

23. Attached hereto as Exhibit 23 is a true and correct copy of the ACR–SIR–
SPR Practice Parameter for the Performance of Inferior Vena Cava (IVC) Filter
Placement for the Prevention of Pulmonary Embolism (2016).

24. Attached hereto as Exhibit 24 is a true and correct copy of the May 6 2014
FDA Safety Communication.

25. Attached hereto as Exhibit 25 is a true and correct copy of the July 25, 2016
Health Canada Product Safety Alert.

26. Attached hereto as Exhibit 26 is a true and correct copy of the following
article: Vijay, et al, *Fractured Bard Recovery, G2, and G2 Express Inferior Vena Cava
Filters: incidence, Clinical Consequences, and Outcomes of Removal Attempts*, 23 J.
Vasc. Interv. Radiol. 188 (2012).

27. Attached hereto as Exhibit 27 is a true and correct copy of the following
article: Dinglasan, et al., *Complicated Inferior Vena Cava Retrievals: Associated Factors
Identified at Preretrieval CT*, 266 Radiology 1, 347 (Jan 2013).

I declare under penalty of perjury under the laws of the United States that the
foregoing is true and correct.

Executed this 24th day of August, 2017, New York, New York.

/s/ Wendy R. Fleishman
Wendy R. Fleishman

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of August, 2017, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Gay Mennuti